

Notice of Allowability	Application No.	Applicant(s)	
	09/830,992	LUBISCH ET AL.	
	Examiner	Art Unit	
	Laura L. Stockton	1626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE and IDS, both filed February 19, 2010.
2. ☒ The allowed claim(s) is/are 1-10, 14, 16-22, 24 and 26, now renumbered claims 1-20, respectively.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>042110</u> . |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>2/19/2010</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input checked="" type="checkbox"/> Other <u>See Continuation Sheet.</u> |

/Laura L. Stockton/
Primary Examiner
Art Unit: 1626

Continuation of Attachment(s) 9. Other: Continued Examination and Terminal Disclaimer.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Susan L. Steele on April 23, 2010.

The application has been amended as follows:

In the Specification

Page 1, line 4 of page:

add --This application is a 371 of PCT/EP99/08169
filed October 28, 1999. -- .

In the Claims (Amendment filed May 14, 2009)

Claim 1, page 4, line 13 of page:

replace "for the carbocycles" with

-- for the phenyls -- .

Claim 1, page 5, line 2 of page:

replace "SO₂NH₂," with -- SO₂NH₂ or -- .

Claim 1, page 5, line 3 of page:

replace "-O-(CH)_{1,2}-O-" with -- -O-(CH₂)_{1,2}-O- -- .

Claim 1, page 6:

delete lines 9-12 of page.

Claim 1, page 6, line 18 of page:

replace "tautorneric" with -- tautomeric --.

Claim 2, page 7, line 4 of page:

after "or a group R^5 , where", add
-- x is 0, 1 or 2, --.

Claim 2, page 7, line 12 of page:

replace "m, o" with -- m and o -- .

Claim 2, page 8, line 8 of page:

replace "are" with -- is --.

Claim 2, page 8, line 11 of page:

replace "the carbocycles" with
-- the phenyls -- .

Claim 2, page 9, line 3 of page"

replace " SO_2NH_2 ," with -- SO_2NH_2 or -- .

Claim 2, page 9, line 3 of page:

replace " $-\text{O}-(\text{CH})_{1,2}-\text{O}-$ " with -- $-\text{O}-(\text{CH}_2)_{1,2}-\text{O}-$ -- .

Claim 2, page 9, line 4 of page:

replace "tautorneric" with -- tautomeric --.

Claim 3, page 9, line 5 of claim:

Replace "thealkyl" with -- the alkyl -- .

Claim 3, page 9, line 5 of claim:

after "or a group R^5 , where", add
-- x is 0, 1 or 2, --.

Claim 3, page 10, line 5 of page:

replace "m, o" with -- m and o -- .

Claim 3, page 10, next to the last line of page:

replace "SO₂-C₁-C₄-alklyl" with -- SO₂-C₁-C₄-alkyl -- .

Claim 7, page 11, line 5 of claim:

after "or a group R^5 , where", add
-- x is 0, 1 or 2, --.

Claim 7, page 13, line 6 of page:

replace "tautorneric" with -- tautomeric --.

Claim 7, page 13, line 6 of page:

before "or a tautomeric form", add

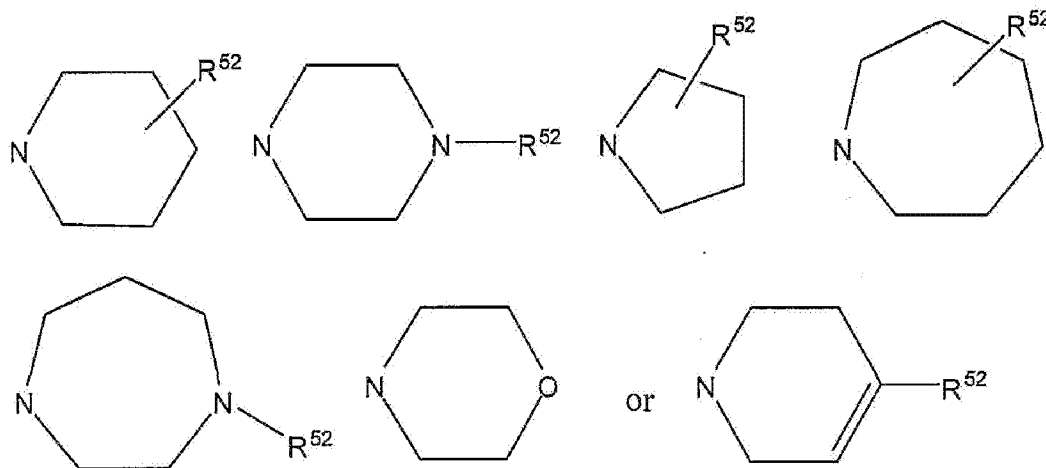
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R^4 is hydrogen, or branched or unbranched C_1 - C_6 -alkyl, chlorine, bromine, fluorine, nitro, cyano, $NR^{41}R^{42}$, $NH-CO-R^{43}$, or OR^{41} , where

R^{41} and R^{42} are, independently of one another, hydrogen or C_1 - C_4 -alkyl and

R^{43} is C_1 - C_4 -alkyl or phenyl, and

R^5 is $NR^{51}R^{52}$ or one of the radicals below



where

R^{51} is hydrogen or branched or unbranched C_1 - C_6 -alkyl, -- .

Claim 24, line 1 of claim:

replace "sepsis," with -- sepsis of multiorgan
failure, -- .

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 19, 2010 has been entered.

Information Disclosure Statement

The Examiner has considered the Information Disclosure Statement(s) filed on February 19, 2010. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Terminal Disclaimer

The terminal disclaimer filed on January 15, 2010 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent 6,696,437 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura L. Stockton whose telephone number is (571) 272-0710. The examiner can normally be reached

on Monday-Friday from 6:00 am to 2:30 pm. If the examiner is out of the Office, the examiner's supervisor, Joseph McKane, can be reached on (571) 272-0699.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

The Official fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

/Laura L. Stockton/
Laura L. Stockton
Primary Examiner, Art Unit 1626
Group 1620
Technology Center 1600

April 30, 2010